

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ABBOTT DIABETES CARE INC. and)	
ABBOTT DIABETES CARE LIMITED,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 23-239-KAJ
)	
DEXCOM, INC.,)	
)	
Defendant.)	
)	
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DEXCOM, INC.,)	
)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
ABBOTT DIABETES CARE INC. and)	
ABBOTT DIABETES CARE SALES)	
CORP.,)	
)	
Counterclaim Defendants.)	

**PROPOSED ORDER GRANTING DEXCOM'S
MOTION TO DISMISS AND TO STRIKE**

At Wilmington this ____ day of _____, 2023, the Court having considered DexCom, Inc.'s Motion to Dismiss and to Strike; it is HEREBY ORDERED that the motion is GRANTED as follows:

1. Abbott Diabetes Care Inc. and Abbott Diabetes Care Ltd.'s ("Abbott's") Counter-Counterclaims I-IV are DISMISSED with prejudice;
2. Abbott's affirmative defense of inequitable conduct is STRUCK; and,
3. Abbott's request for attorney's fees and costs as damages is STRUCK.

Judge Kent A. Jordan